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)	Counsel for Plaintiffs		
	UNITED STATES DISTRICT COURT		
2	NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION		
1	MATTHEW ELVEY, an individual, and GADGETWIZ, INC., an Arizona	Case No. C 07 2852 MJJ STIPULATED PROPOSED ORDER	
5	corporation, on their own behalf and on behalf of all others similarly situated,	CONTINUING CASE MANAGEMENT CONFERENCE	
7	Plaintiffs	Judges Mortin I. Jankins	
	V.	Judge: Martin J. Jenkins	
)	TD AMERITRADE, INC., a New York corporation, and DOES 1 to 100,		
)	Defendants.		
2	GROUNDS		
	1. Plaintiffs Matthew Elvey and Gadgetwiz.com filed a First Amended Complaint		
1	against Defendant TD Ameritrade, Inc. ("TD Ameritrade"), on June 28, 2007, and Motion for		
	Preliminary Injunction on July 10, 2007. TD Ameritrade filed a Motion to Dismiss the Plaintiffs' First Amended Complaint on July 18, 2007.		
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1	2. In a proposed stipulated order filed by the parties on September 24, 2007, the			
2	parties explained that the parties are meeting and sharing information and on that basis, the			
3	parties requested that the Motion for Preliminary Injunction and Motion To Dismiss be removed			
4	from the Court's calendar.			
5	3. On September 26, 2007, the Court entered the stipulated order removing the			
6	motions from the Court's calendar and permitting the parties to re-notice their respective motion			
7	on 14 days notice.			
8	4. On October 9, 2007, the parties advised the Court by stipulation that the			
9	discussions referenced in the September 26 stipulated order were ongoing and sought a			
10	continuance of the Case Management Conference to allow the parties to determine the direction			
11	of the litigation. The Court thereafter continued the Case Management Conference to December			
12	4, 2007. The parties have been actively engaged in discussions over the past two months and			
13	the discussions are ongoing.			
14	5. Accordingly, the interests of the parties and the interests of judicial efficiency			
15	would be best served by continuing the Case Management Conference to enable the parties to			
16	complete their discussions.			
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18	STIPULATION			
19	1. IT IS HEREBY STIPULATED, pursuant to Local Rule 6-2, that the Case			
20	Management Conference shall be continued from December 4, 2007 to January 22, 2008 at 2:00			
21	p.m.			
22				
23				
24	IT IS SO STIPULATED, THROUGH COUNSEL.			
25	Dated: November 27, 2007 By:/s/ Ethan Preston			
26	Ethan Preston Counsel for Plaintiffs Matthew Elvey and			
27	Gadgetwiz, Inc. and the putative class			
28				

1				
2	Dated: November 27, 2007	By:	/s/ Lee H. Rubin Lee H. Rubin	
3			Mayer Brown LLP	
			Two Palo Alto Square Suite 300	
4			Palo Alto, California 94306	
5			Counsel for Defendant	
6			TD AMERITRADE, Inc.	
7 8	Filer's Attestation: Pursuant to General Order No. 45, I, Lee Rubin, attest that I obtained concurrence in the filing of this document from the other signatory.			
9	g continued in the first g cy and c	,		
10 11	PURSUANT TO STIPULATION	N, IT IS SO O	RDERED.	
	IT IS SO ORDERED.			
12	11/27/07	D	ATES DISTRICT	
13	Date:	By:	THE HONORABLE MARTY LIENKINS	
14			EXITED STATES INCOURT JUDGE	
15			Somethy &	
16 17			Judge Martin J. Jenkins	
18		\	Julies Julies	
19			THE PARTY OF COMMENTS	
20			DISTRICTOR	
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